

Notice of Allowability

Application No.

10/821,027

Examiner

Hugh B. Thompson II

Applicant(s)

CASEBOLT ET AL.

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Telephone Interview of 4-3-06.
2. ☒ The allowed claim(s) is/are 1,2,4-8 and 10-46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>4-3-06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Robin Sannes on April 3, 2006.

The application has been amended as follows:

Claims 2, 3, 9, 25, and 35 have been cancelled.

Claims 1 and 28, line 5, claims 21, 24, and 29, line 4, and claim 34, line 6, after "position", --to a safety device-- has been inserted.

Claim 1, lines 6 and 7, "biasing mechanism" has been changed to --spring member--.

Claim 10, line 1, "9" has been changed to --46--.

Claim 11, line 1, "includes the" has been changed to --includes a--.

Claim 24, line 4, and claim 34, line 6, --and-- has been deleted.

Claim 24, line 5, and claim 34, line 8, "position." has been changed to --position; and--

Claim 24, after line 5, subparagraph "c" has been added, --c) a dorsal pad assembly, the dorsal pad assembly including means for urging the D-ring to the first position.--.

Claim 26, line 1, "25" has been changed to --24--.

Claim 34, after line 8, subparagraph "c" has been added, --c) performing tasks proximate the safety device, the D-ring being in the second position and being constantly urged to the first position.--.

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Claim 36, line 1, "35" has been changed to --34--.

Claims 42 and 43, line 1, "mechanism" has been changed to --means--.

Claim 45 has been added:

--45. A safety harness, comprising:

- a) a first strap and second strap;
- b) a D-ring operatively connected to the straps and having a first position and a second position, the first position being an upright receiving position, the second position being a connected operating position to a safety device; and
- c) an elastic member operatively connected to the D-ring, wherein the elastic member urges the D-ring to the first position.--

Claim 46 has been added:

--46. A safety harness, comprising:

- a) a first strap and second strap;
- b) a D-ring operatively connected to the straps and having a first position and a second position, the first position being an upright receiving position, the second position being a connected operating position to a safety device;
- c) a biasing mechanism operatively connected to the D-ring, wherein the biasing mechanism urges the D-ring to the first position; and
- d) a dorsal pad assembly interconnecting the straps and the D-ring.--

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The following is an examiner's statement of reasons for allowance: For claims 1, 45, and 46, they are the reasons as set forth for claims 2, 3, and 9, respectively, in the Office Action of 3-29-06

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hugh B. Thompson II
Primary Examiner
Art Unit 3634

April 10, 2006